



02-09-06

Docket No.: VID.001.P
Express Mail No.: EV393145516US

ETW

RESTRICTION REQUIREMENT RESPONSE

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant: Robert J. Vidal
Applicant No.: 10/623,424
Filed: July 18, 2003
Art Unit: 3722

Title: "A PROTECTIVE SHIELD FOR A TOOL"

CERTIFICATE OF MAILING BY "EXPRESS MAIL"

Mail Stop: Patent Application
Commissioner for Patents
U.S.P.T.O.
P.O. Box 1450
Alexandria, VA 22313-1450

Dear Sir:

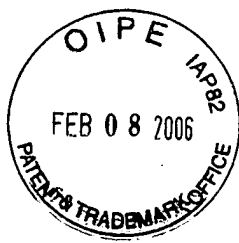
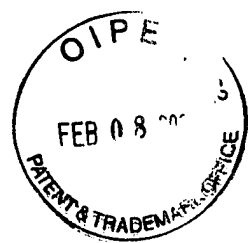
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Respectfully submitted,

David B. Waller
Patent Agent No.: 43,978

Enclosures:

Restriction Requirement Response, 2 pages
Transmittal + Duplicate, 2 pages each
Check No.: 1954 in the amount of \$225.00
Request for two-month extension of time, 1 page
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Sir:

The following is Applicants response to the restriction requirement mailed 16 November 2005.

RESTRICTION REQUIREMENT

The Examiner has requested restriction of Applicants' claims to one of the following inventions:

- I. Claims 1-18, drawn to "A protective shield...", classified in class 408, subclass ++.
- II. Claim 19, drawn to "A method of preventing injury from debris resulting from the operation of a drilling or cutting tool...", classified in class 408, subclass ++.
- III. Claims 20-21, drawn to "A kit..." classified in class 408, subclass ++.

ARGUMENTS

M.P.E.P. § 803 states, in part, that "if the search and examination of an entire application can be made without serious burden, the examiner must

examine it on the merits, even though it includes claims to distinct or independent inventions." Clearly the classification given each group of claims restricted by the Examiner is identical and Applicant believes that a search of this class would identify all subject matter of the claims presented in the present application. For this reason, Applicant believes that a search of this class would not fall within the definition of "serious burden" set forth in M.P.E.P. § 803.

Accordingly, Applicant respectfully requests that the restricted groups be joined and examine concurrently.


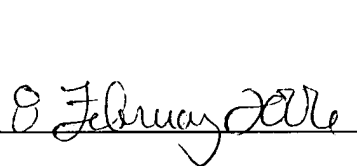
In compliance with 37 C.F.R. 1.143 which states that "In requesting reconsideration the Applicant must indicate a provisional election of one invention for prosecution, which invention shall be the one elected in the event the requirement becomes final...". In view of this requirement, Applicant provisionally elects Group I (i.e. claims 1-18).

CONCLUSION

Applicant respectfully requests that the restricted groups be joined and examine concurrently. However, in the event the requirement becomes final, Applicant provisionally elects Group I (i.e. claims 1-18).

Respectfully submitted,

Date: 8 February 2006



David B. Waller
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